

LEGAL ACTION REPORT

TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS MEETING OF TUESDAY, JULY 8, 2008 CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM FIFTH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ 9:06 A.M.

1. ROLL CALL

Police Board Members:

Robert Walkup - Chair
Marion Pickens - Member
Joe Ladenburg - Member
Mike Gurr - Member
JD Kragnes - Member

Fire Board Members:

Robert Walkup - Chair
Marion Pickens - Member
Joe Ladenburg - Member
Mike McKendrick - Member
Roger Tamietti - Member

2. RATIFICATION OF PRIOR ACTION FROM THE MEETING OF JUNE 9, 2008 (Due to improper posting notification.)

2. POLICE CONSENT AGENDA: ITEMS A – I

- A. MINUTES FOR APPROVAL – 05/13/08
- B. PENSION PAYROLL – Deletion of Retirement Benefits for Carl Frankhouser in the amount of \$2,924.59 due to his death on May 21, 2008 and addition of Survivor Benefits for Natalie Frankhouser in the amount of \$2339.67. Deletion of Survivor Benefits for Barbara Crutchfield in the amount \$2405.33 due to her death on May 28, 2008. Addition of Normal Service Retirement for Michael Bannister out of DROP in the amount of \$4,148.61. Addition of Normal Service Retirement for Fred Cushman out of DROP in the amount of \$2,832.55. Addition of Normal Service Retirement for Jeffrey Schneider out of DROP in the amount of \$3,283.02. Addition of Normal Service Retirement for David Peron out of DROP in the amount of \$3,279.90.
- C. SURVIVORS BENEFIT/CHILD'S BENEFIT
Natalie Frankhouser – Carl passed away on 05/21/08
- D. NORMAL SERVICE RETIREMENT
Michael Bannister – Last day worked 05/30/08 – Pension effective 06/01/08
Fred Cushman – Last day worked 05/30/08 – Pension effective 06/01/08
Jeffrey Schneider – Last day worked 05/30/08 – Pension effective 06/01/08
David Peron – Last day worked 05/15/08 – Pension effective 06/01/08
- E. REDEMPTION OF PRIOR SERVICE
Timothy Egan – 0.958 years of prior service with the military in the amount of \$50,117.00.
- F. TRANSFER OF SERVICE
Walter Pike – from City of Tucson Police to South Tucson Police
0.3696 years of service in the amount of \$719.88
Abel Samano – from City of Tucson Police to South Tucson Police
0.5065 years of service in the amount of \$1,149.22
Dennis Sutton – from Pima County to City of Tucson Police
7.5236 years of service in the amount of \$13,370.58
Alexander Yegorov – from Tucson Police to South Tucson Police
0.3587 years of service in the amount of \$785.52

- G. REDEMPTION OF PRIOR SERVICE
Paul Hawks – 4.000 years of service From Tarrant County, TX D.P.S. in the amount of \$41,076.00
- H. EXPENDITURE STATEMENT IN THE AMOUNT OF \$ 650.00 FOR PHYSICAL for Michael Conto, John Grady and James Monaco by Dr. Dennis Thrasher at Sunnyside Medcenter
- I. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY
- 3. **FIRE CONSENT AGENDA: ITEMS A – E**
 - A. MINUTES FOR APPROVAL – 05/13/08
 - B. PENSION PAYROLL – Deletion of Normal Retirement Benefits for Paul Cook and Deletion of split benefit for Judith Cook in the amount of \$3,484.72 and addition of Survivor's benefit for Lucy Cook in the amount of \$2,787.78. Addition of Normal Service Retirement for Rick L. Chitty out of DROP in the amount of \$3,748.16.
 - C. SURVIVORS BENEFIT/CHILD'S BENEFIT
Lucy Cook – Paul passed away on 05/20/08
 - D. NORMAL SERVICE RETIREMENT
Rick Chitty – Last day worked 05/30/08 – Pension effective 06/01/08
 - E. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY
- 5. **APPLICATION FOR DISABILITY PENSION**
Police - Michael Conto - Permanent Accidental Disability Application
- 7. **APPLICATION FOR DISABILITY PENSION**
Police
 - A. Kathryn Anderson – Permanent Accidental Disability Application
Charlotte Bilang – Permanent Accidental Disability Application
Lynn E. Sharp – Permanent Accidental Disability Application
 - B. Tanya Merrill – Permanent Accidental Disability Application
- 9. **REQUEST FOR REHEARING ON APPLICATION FOR PERMANENT ACCIDENTAL DISABILITY PENSION**
Police - Peggy Redman
- 11. **CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL**
Police - Sean O'Brien
- 13. **COMPLIANCE WITH RULE 17 – ANNUAL PHYSICAL**
Police - James Monaco

MOTION by Mr. Gurr, seconded by Mr. Ladenburg to ratify the action taken from the June 9, 2008 Board Meeting. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Kragnes absent/excused).

MOTION by Mr. Tamietti, seconded by Mr. Ladenburg to ratify the action taken from the June 9, 2008 Board Meeting. Motion **CARRIED** by a roll call vote of 4-0. (Mr. McKendrick absent/excused).

3. CANVASS OF ELECTION

A certified copy of the returns from the Tucson **Police and Fire** Public Safety Personnel Retirement System Board Mail Ballot Election held from May 14, 2008 through June 11, 2008 is attached for review and approval.

MOTION by Mr. Gurr, seconded by Mr. Ladenburg to approve the results of the election, accept the returns from the Police Board Election, and declares Mr. Kragnes the winner. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Kragnes Absent/Excused).

MOTION by Mr. Tamietti, seconded by Ms. Pickens to approve the results of the election, accept the returns from the Fire Board Election, and declares Mr. Delfs the winner. Motion **CARRIED** by a roll call vote of 4-0. (Mr. McKendrick Absent/Excused).

4. ROLL CALL (Newly declared Police and Fire Board)

Police Board Members:

Robert Walkup - Chair
Marion Pickens - Member
Joe Ladenburg - Member
Mike Gurr - Member
JD Kragnes - Member

Fire Board Members:

Robert Walkup - Chair
Marion Pickens - Member
Joe Ladenburg - Member
Brian Delfs - Member
Roger Tamietti - Member

5. POLICE CONSENT AGENDA: ITEMS A – J

A. MINUTES FOR APPROVAL – 06/09/08

B. PENSION PAYROLL – Addition of Survivor Benefits for Nohemy Hite in the amount of \$ 4,477.12 due to the line of duty death of Erik Hite. Addition of Normal Service Retirement for Robert A. Garcia out of DROP in the amount of \$3,050.54. Addition of Normal Service Retirement for Monte Gonzales out of DROP in the amount of \$3,389.27. Addition of Normal Service Retirement for Rose Mardula (amount pending). Addition of Normal Service Retirement for Richard Miranda out of DROP in the amount of \$10,672.29. Addition of Normal Service Retirement for Jefferson S. Stahl out of DROP in the amount of \$3,336.64. Addition of Normal Service Retirement for David A. Silva out of DROP in the amount of \$2,523.81. Addition of Permanent Accidental Disability Benefits for Michael Conto in the amount of \$4,694.06. Increase to eligible pensioners – A.R.S. 38-856 - \$134.34. (COLA)

C. SURVIVORS BENEFIT
Nohemy Hite – Erik passed away on 06/02/08

D. NORMAL SERVICE RETIREMENT
Robert A. Garcia – Last day worked 06/27/08 – Pension effective 07/01/08
Monte M. Gonzales – Last day worked 06/26/08 – Pension effective 07/01/08
Rose Mardula – Last day worked 06/29/08 – Pension effective 07/01/08
Richard Miranda – Last day worked 06/27/08 – Pension effective 07/01/08
David Silva – Last day worked 06/26/08 – Pension effective 07/01/08

Jefferson Stahl – Last day worked 06/26/08 – Pension effective 07/01/08

E. PERMANENT ACCIDENTAL DISABILITY RETIREMENT

Michael Conto – Last day worked 06/24/08 – Pension effective *07/01/08

F. DEFERRED RETIREMENT OPTION PLAN

J. Randall Deeming – Election to participate in the DROP 06/30/08

Robert Greenwood – Election to participate in the DROP 06/30/08

Christopher Morand – Election to participate in the DROP 06/30/08

G. REDEMPTION OF PRIOR SERVICE

Sharen Smith – 0.088 years of prior service with T.S.R.S.
in the amount of \$1,527.00.

Kent Rhind – 3.006 years of prior service from Pima County C.O.R.P.
in the amount of 45,367.00

H. TRANSFER OF SERVICE

Bradley Barton – from Tucson Police to Marana Police
0.5421 years of service in the amount of \$1,277.42

Daniel Powell – from Tucson Police to Marana Police
0.3833 years of service in the amount of \$1,039.40

Maria Reza – from T.S.R.S. to Tucson Police
0.308 years of service in the amount of \$5,926.84

I. EXPENDITURE STATEMENT IN THE AMOUNT OF \$650.00 FOR
PHYSICAL for Michael Conto, John Grady and James Monaco by Dr. Dennis
Thrasher at Sunnyside Medcenter.

J. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr., Gurr seconded by Mr. Pickens that Police Board Items A – J is
adopted as written and the appropriate action taken. Motion **CARRIED** by a roll
call vote of 4-0. (Mr. Kragnes absent/excused).

6. FIRE CONSENT AGENDA: ITEMS A – F

A. MINUTES FOR APPROVAL – 06/09/08

B. PENSION PAYROLL – Deletion of Normal Retirement Benefits for Harold
Rankin in the amount of \$3,442.83 and addition of Survivor's benefit for Monica
Rankin in the amount of \$2,754.26. Addition of Normal Service Retirement for

Jeffrey B. Corey out of DROP in the amount of \$4,826.51. Addition of Normal Service Retirement for Michael Walls out of DROP in the amount of \$3,314.83. Increase to eligible pensioners –A.R.S. 38-856 - \$134.34. (COLA)

C. SURVIVORS BENEFIT

Monica Rankin – Harold passed away on 06/02/08

D. NORMAL SERVICE RETIREMENT

Jeffrey Corey – Last day worked 06/27/08 – Pension effective *07/01/08

Michael Walls - Last day worked 06/29/08 – Pension effective *07/01/08

E. DEFERRED RETIREMENT OPTION PLAN

Mark Ekstrum – Election to participate in the DROP 06/30/08

Thomas H. Knapp – Election to participate in the DROP 06/30/08

Max Parks - Election to participate in the DROP 06/30/08

F. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr. Tamietti, seconded by Mrs. Pickens that Fire Board Items A – F is adopted as written and the appropriate action taken. Motion **CARRIED** by a roll call vote of 5-0.

MOTION by Mr. Gurr seconded, by Mr. Ladenburg to go into Executive Session on items 7, 9 and 11. Motion **CARRIED** Unanimously. (Mr. Kragne absent/excused).

MOTION by Mr. Delfs seconded, by Mr. Tamietti to go into Executive Session on item 9. Motion **CARRIED** Unanimously.

Executive Session: (9:14 a.m. to 9:23 a.m.)

MOTION by Mr. Gurr seconded, by Mr. Ladenburg to go into Regular Session.. Motion **CARRIED** Unanimously. (Mr. Kragne absent/excused).

MOTION by Mr. Delfs seconded, by Mr. Tamietti to go into Regular Session. Motion **CARRIED** Unanimously.

7. APPLICATION FOR DISABILITY RETIREMENT

EXECUTIVE SESSION - Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police – Attachments

- A. Phase 1 (**Medical Packet**)
Gary DeSoto - Permanent Accidental Disability Application
- B. Phase 2 (**Dr. Thrashers report only**)
Kathryn Anderson – Permanent Accidental Disability Application
Peggy Redman – Permanent Accidental Disability Application
Lynn E. Sharp – Permanent Accidental Disability Application

Executive Session: (9:14 a.m. to 9:23 a.m.)

8. APPLICATION FOR DISABILITY RETIREMENT
Direction regarding Executive Session

Police

- A. Gary DeSoto

MOTION by Mr. Gurr, seconded by Mr. Ladenburg that Mr. De Soto make an appointment with the Board Physician for a review to determine if he is eligible for a Permanent Accidental Disability retirement. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Kragnes absent/excused).

- B. Kathryn Anderson
Peggy Redman
Lynn E. Sharp

MOTION by Mr. Ladenburg, seconded by Ms. Pickens that based on the medical evidence provided and letters by Dr. Thrasher the Board approve the applications for permanent disability retirement for Ms. Kathryn Anderson, Ms. Peggy Redman, and Ms. Lynn Sharp to be effective upon separation from the Police Department. Motion **CARRIED** Unanimously. (Mr. Kragnes absent/excused).

Mr. Gurr thanked Ms. Anderson, Ms. Redman and Ms. Sharp on behalf of the Board and Citizens of Tucson for their service to Tucson.

9. CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL
EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police – Attachments

Jeffrey Thielen – DOH: 09/12/99 DOR: 08/29/02 Date of Physical: 08/04/06

Fire - Attachments

Marni Plaster – DOH: 12/05/99 DOR: 11/23/04 Date of Physical: 08/08/07

Executive Session: (9:14 a.m. to 9:23 a.m.)

**10. CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL
Board Direction Regarding Executive Session**

Police

Jeffrey Thielen

MOTION by Mr. Gurr, seconded by Ms. Pickens that in keeping with board policy to take a physical every other year that Mr. Thielen is requested to take a physical with the Board Physician, Dr. Dennis Thrasher. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Kragnes absent/excused).

Fire

Marni Plaster

MOTION by Mr. Delfs, seconded by Mr. Tamietti that in keeping with board policy to take a physical every other year that Ms. Plaster took her physical last year and continues to be eligible this year and will be reviewed next year. Motion **CARRIED** by a roll call vote of 5-0.

**11. COMPLIANCE WITH RULE 17 – ANNUAL PHYSICAL EXECUTIVE SESSION
Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff
A.R.S. 38-431.03 (A [3 & 4])**

Police - Attachments

Sean O'Brien

Executive Session: (9:14 a.m. to 9:23 a.m.)

**12. COMPLIANCE WITH RULE 17 – ANNUAL PHYSICAL Board Direction
Regarding Executive Session**

Police

Sean O'Brien

MOTION by Mr. Gurr seconded by Ms. Pickens to continue this item until next month. Motion **CARRIED** unanimously

13. LEGISLATION

Police & Fire - attachments

14. **PSPRS BOARD OFFICE RELOCATION

Police & Fire

MOTION by Mr. Gurr, seconded by Ms. Pickens to approve the expenses for the PSPRS Board office relocation. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Kragnes absent/excused).

MOTION by Mr. Tamietti, seconded by Ms. Pickens to approve the expenses for the PSPRS Board office relocation. Motion **CARRIED** by a roll call vote of 5-0.

15. FUND INFORMATION

Police & Fire

16. ADJOURNMENT: 9:42 A. M.

The next regular meeting of the Tucson Police and Fire Public Safety Personnel Retirement System Boards is scheduled for **9:00 A.M.** on Tuesday, August 5, 2008, Also the September 9, 2008 meeting is changed to September 8, 2008 due to a conflict for some of the Board members, in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.

MOTION by Mr. Gurr, seconded by Ms. Pickens to adjourn. Motion **CARRIED** unanimously.

MOTION by Mr. Tamietti, seconded by Ms. Pickens to adjourn. Motion **CARRIED** unanimously.